

**[4910-13]**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 29**

**[Docket No.24802; Amendment 29-44]**

**RIN 2120-AG86**

**Airworthiness Standards; Transport Category Rotorcraft Performance**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This rule amends the airworthiness standards for Transport Category rotorcraft by making several nonsubstantive clarification changes to the wording and by correcting various nonsubstantive errors in the performance requirements section. This rule is needed to correct errors in a final rule published on May 10, 1996.

**DATES:** This final rule is effective November 17, 1999. Comments must be submitted on or before September 20, 1999.

**ADDRESSES:** Submit comments in duplicate to the Federal Aviation Administration, Office of the Chief Counsel (AGC-200), Attention: Rules Docket No. 24802, 800 Independence Ave., SW, Washington, DC 20591.

Comments may also be submitted electronically to the following Internet address: 9-NPRM-CMTS@faa.gov. Comments submitted must be marked: Docket No. 24802.

Comments may be examined in Room 915G on weekdays between 8:30 a.m. and 5:00 p.m., except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lance T. Gant, Rotorcraft Standards Staff, Aircraft Certification Service, Federal Aviation Administration, Fort Worth, Texas 76193-0110, telephone (817) 222-5114, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action will be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after

the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 24802." The postcard will be date stamped and returned to the commenter.

### **Availability of Final Rule**

Any person may obtain a copy of this final rule by submitting a request to: FAA, Office of Rulemaking, Attention: ARM-1, 800 Independence Avenue, SW., Washington, DC 20591; or by telephoning (202) 267-9680. Individuals requesting a copy of this final rule should identify their request with the amendment number or docket number.

An electronic copy of this final rule may be downloaded, by using a modem and suitable communications software, from: the FAA regulations section of the FedWorld electronic bulletin board service (telephone: (703) 321-3339); the Government Printing Office's electronic bulletin board service (telephone: (202) 512-1661); or the FAA's Aviation Rulemaking Advisory Committee Bulletin Board service (telephone: (202) 267-5948).

Internet users may reach the FAA's web page at <http://www.faa.gov>, or the Government Printing Office's webpage at <http://www.access.gpo.gov/nara>, for access to recently published rulemaking documents.

### **Small Entity Inquiries**

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires the FAA to report inquiries from small entities concerning information on, and advice about, compliance with statutes and regulations within the FAA's jurisdiction, including interpretation and application of the law to specific sets of facts supplied by a small entity.

If you are a small entity and have a question, contact your local FAA official. If you do not know how to contact your local FAA official, you may contact Charlene Brown, Program Analyst Staff, Office of Rulemaking, ARM-27, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 1-888-551-1594. Internet users can find additional information on SBREFA in the "Quick Jump" section under "Rulemaking" of the FAA's web page at <http://www.faa.gov> and may send electronic inquiries to the following internet address: 9-AWA-SBREFA@faa.gov.

### **Background**

After publication of the Transport Category Rotorcraft Notice of Proposed Rulemaking (NPRM), Notice 90-1 (55 FR 698, January 8, 1990), the Joint Harmonization Working Group (JHWG) proposed some nonsubstantive changes

to be included in the final rule. The FAA reviewed the JHWG proposal and concurred with the changes. However, the changes were inadvertently omitted in the final rule published May 10, 1996 (61 FR 21894), and two correction documents published July 1, 1996 (61 FR 33963), and July 15, 1996 (61 FR 36965), following Notice 90-1.

This final rule will make the nonsubstantive changes to some paragraphs of part 29. The changes will clarify the language to avoid confusion and diverse interpretations of these standards.

## **Discussion**

The following is a discussion of the changes to part 29:

### 14 CFR § 29.59 Takeoff path: Category A.

Section 29.59 is revised for clarification. The revision is an editorial reordering of paragraphs.

### 14 CFR § 29.62 Rejected takeoff: Category A.

Section 29.62(a) is revised for clarification. The current wording of § 29.62(a) may be interpreted to imply that the procedures of §§ 29.59 and 29.60 are to be followed only to the engine failure point and that the takeoff and rejected takeoff paths may diverge from that point. However, in calculating the rejected takeoff path distances of § 29.62(a), the requirements of §§ 29.59 and 29.60 are to be followed up to the takeoff decision point (TDP). Therefore, the

section is revised by removing references to the engine failure point to preclude misinterpretation of the requirement.

14 CFR § 29.67 climb: one-engine-inoperative (OEI).

In § 29.67, the introductory text of paragraph (a)(2), paragraphs (a)(2)(i) and (a)(3)(i), and the introductory text of paragraph (b) are revised to specify that the engine power ratings are for one-engine inoperative to be consistent with § 29.1521. Paragraph (a)(2)(ii) is deleted because the requirement is previously stated in § 29.64. The deletion of paragraph (a)(2)(ii) resulted in an editorial renumbering of paragraphs (iii) and (iv) as (ii) and (iii) respectively.

14 CFR § 29.77 Landing decision point (LDP): Category A.

The requirements of § 29.77 are clarified by dividing this section into paragraphs (a) and (b) and clearly identifying the inclusion of the pilot recognition time interval in the definition of the LDP.

14 CFR § 29.81 Landing distance: Category A.

In § 29.81, the requirement to determine landing distance from a height of 25 feet for elevated landing operations is deleted. The requirement to determine landing distance from 25 feet has no operational significance and represents an unnecessary consideration for elevated heliports.

14 CFR § 29.85 Balked landing: Category A.

Editorial changes in § 29.85 insert the phrase “with the critical engine inoperative” in the introductory text and delete that phrase from paragraph (a)

and a similar phrase from paragraph (b). In paragraph (c), the word “distance” is replaced with the more descriptive term “(loss of height)”.

14 CFR § 29.1323 Airspeed indicating system.

In § 29.1323(c)(1), an editorial correction changes “critical” decision point to read “takeoff” decision point. This term parallels the term used in other sections of part 29.

14 CFR § 29.1587 Performance information.

In Section 29.1587(a)(4) and (5), references to §§ 29.63 and 29.83 are deleted because those sections are applicable to Category B performance, and § 29.1587(a) contains only Category A requirements. Additionally, reference to § 29.85, omitted in error, is added to paragraph (a)(5).

**Paperwork Reduction Act**

In accordance with the paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), there are no reporting or recordkeeping requirements associated with this final rule.

**Agency Findings**

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is

determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that notice and prior public comment are unnecessary in promulgating this regulation. Therefore, it can be issued immediately since it only involves minor correction, clarification, and editorial changes. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

#### **International Trade Impact Statement**

The rule will not constitute a barrier to international trade, including the export of U.S. goods and services to foreign countries and the import of foreign goods and services into the United States.

#### **Unfunded Mandates Reform Act Assessment**

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), codified as 2 U.S.C. §§ 1501-1571, requires each Federal agency, to the extent permitted



by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of \$100 million or more (adjusted annually for inflation) in any one year.

This rule does not meet the thresholds of the Act. Therefore, the requirements of Title II of the Act do not apply.

### **Environmental Analysis**

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental assessment or environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this rulemaking action qualifies for a categorical exclusion.

### **Energy Impact**

The energy impact of this rulemaking has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) and Public Law 94-163, as amended (42 U.S.C. 6362). It has been determined that it is not a major regulatory action under the provisions of the EPCA.

### **List of Subjects in 14 CFR Part 29:**

Air transportation, Aircraft, Aviation safety, Rotorcraft, Safety.

## **The AMENDMENT**

Accordingly, the Federal Aviation Administration amends 14 CFR part 29 of the Federal Aviation Regulations as follows:

### **PART 29-AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY**

#### **ROTORCRAFT**

1. The authority citation for part 29 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701-44702, 44704.

2. In § 29.59, paragraph (e) is redesignated as paragraph (c), and paragraphs (c) and (d) are redesignated as (d) and (e) respectively.

3. Section 29.62(a) is revised to read as follows:

#### **§ 29.62 Rejected takeoff: Category A**

\* \* \* \* \*

(a) The takeoff path requirements of §§ 29.59 and 29.60 being used up to the TDP where the critical engine failure is recognized and the rotorcraft is landed and brought to a complete stop on the takeoff surface;

\* \* \* \* \*

4. Section 29.67 is amended by revising the introductory text of paragraph (a)(2), paragraphs (a)(2)(i) and (a)(3)(i), and paragraph (b); by removing paragraph (a)(2)(ii); and by redesignating (a)(2)(iii) and (a)(2)(iv) as (a)(2)(ii) and (a)(2)(iii) respectively.

#### **§ 29.67 Climb: One-engine-inoperative (OEI)**

(a) \* \* \*

(2) The steady rate of climb without ground effect, 1000 feet above the takeoff surface, must be at least 150 feet per minute, for each weight, altitude, and temperature for which takeoff data are to be scheduled with--

(i) The critical engine inoperative and the remaining engines at maximum continuous power including continuous OEI power, if approved, or at 30-minute OEI power for rotorcraft for which certification for use of 30-minute OEI power is requested;

\* \* \* \* \*

(3) \* \* \*

(i) The critical engine inoperative and the remaining engines at maximum continuous power including continuous OEI power, if approved, and at 30-minute OEI power for rotorcraft for which certification for the use of 30-minute OEI power is requested;

\* \* \* \* \*

(b) For multiengine Category B rotorcraft meeting the Category A engine isolation requirements, the steady rate of climb (or descent) must be determined at the speed for best rate of climb (or minimum rate of descent) at each altitude, temperature, and weight at which the rotorcraft is expected to operate, with the critical engine inoperative and the remaining engines at maximum continuous power including continuous OEI power, if approved, and at 30-minute OEI power

for rotorcraft for which certification for the use of 30-minute OEI power is requested.

5. Section 29.77 is revised to read as follows:

**§ 29.77 Landing decision point (LDP): Category A.**

(a) The LDP is the last point in the approach and landing path from which a balked landing can be accomplished in accordance with § 29.85.

(b) Determination of the LDP must include the pilot recognition time interval following failure of the critical engine.

6. Section 29.81 is revised to read as follows:

**§ 29.81 Landing distance: Category A.**

The horizontal distance required to land and come to a complete stop (or to a speed of approximately 3 knots for water landings) from a point 50 ft above the landing surface must be determined from the approach and landing paths established in accordance with § 29.79.

7. Section 29.85 is revised to read as follows:

**§ 29.85 Balked landing: Category A.**

For Category A rotorcraft, the balked landing path with the critical engine inoperative must be established so that--

(a) The transition from each stage of the maneuver to the next stage can be made smoothly and safely;

(b) From the LDP on the approach path selected by the applicant, a safe climbout can be made at speeds allowing compliance with the climb requirements of § 29.67(a)(1) and (2); and

(c) The rotorcraft does not descend below 15 feet above the landing surface. For elevated heliport operations, descent may be below the level of the landing surface provided the deck edge clearance of § 29.60 is maintained and the descent (loss of height) below the landing surface is determined.

8. In Section 29.1323(c)(1), the word “critical” is removed and add the word “takeoff” in its place.

9. In § 29.1587(a)(4), remove the words “or § 29.63”,

10. In § 29.1587(a)(5), remove the words “or § 29.83” and add the words “and § 29.85” in their place.

Issued in Washington, DC, on August 12, 1999

/S/

Jane F. Garvey  
Administrator